

Subject: Re: Dates for Us Deposing Your Client
Date: Friday, November 11, 2022 at 6:06:42 PM Eastern Standard Time
From: Penn Dodson
To: Louis Lombardi
Attachments: image001.jpg

I just got your voicemail twice, at 5:43 and 5:55pm.

While in general we do try very hard to accommodate various life circumstances and needs, I'm sure you can understand that this being the first time I have heard of this medical issue, this is frustrating. We went out of our way to go back and look at all potential dates between now and Dec. 12 to get this done and offered FOUR dates, in Dec. Then I get the response back that your client will be totally unavailable for two full months starting 11/29 – first time I'd heard this during any of our conversations. Instead you/she just restated dates I've already indicated do not work for us, in Nov.

In light of this, it would seem that your client should have made an extra effort to make sure she could go ahead and get her deposition done on the date when I had noticed it for.

You have indicated that you can depose my client any day except Nov. 16. Since our proposed date of Dec. 6 is apparently out of the running for your client, let's plan to do my client's on that date. We have confirmed her availability for that day.

Unfortunately for the scheduling of the Defendants' deposition I think we have to put it to the court. I don't see any other way around it at this point. I'm going to ask that she be ordered to be deposed on 12/7. You may of course file your response providing reasons, medical or otherwise, why this should not be so.

As a reminder, you indicated when we spoke yesterday that you would be filing your notice of appearance. I have not seen that come through. If there is no NOA on file prior to my client's deposition and you are the one slated to depose her we could have problems. I therefore ask that you be certain it is in by next Wednesday at the latest.

From: Louis Lombardi <louis@joneslawnyc.com>
Date: Friday, November 11, 2022 at 4:53 PM
To: Penn Dodson <penn@andersondodson.com>
Subject: Re: Dates for Us Deposing Your Client

I spoke to the client and there is an issue. She is undergoing medical treatment and will be out of work for two months. This treatment will begin on 11/29. She can get the deposition in before hand if any of the following dates work:

11/17 afternoon
11/18
11/22 morning
11/25
11/28 afternoon

I plan on sending the court a letter advising of her medical condition. If we can get her deposition in before her treatment starts that would be great, if not we plan on asking the court to stay the proceedings for sixty days.

Call me

Louie

On Fri, Nov 11, 2022 at 4:36 PM Louis Lombardi <louis@joneslawnyc.com> wrote:

Can you call me. I know we just spoke but have an update

On Fri, Nov 11, 2022 at 3:38 PM Louis Lombardi <louis@joneslawnyc.com> wrote:

Waiting to hear back from client. Also in November if she is on west coast we might be able to use the time difference to get this done on days otherwise not ideal

On Fri, Nov 11, 2022 at 3:34 PM Penn Dodson <penn@andersondodson.com> wrote:

???

From: Penn Dodson <penn@andersondodson.com>

Date: Thursday, November 10, 2022 at 5:16 PM

To: Louis Lombardi (Other) <louis@joneslawnyc.com>

Subject: Dates for Us Deposing Your Client

12/9 is not good for us deposing your client after all unfortunately.

Please see which of the following dates your client could do: 12/1, 12/2, 12/6, 12/7 (and if not available the full day for these which times would she be/not be available).

I still need to get with my client re dates/ times for you to depose her. Working on that.

Penn Dodson, Esq.

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